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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,123	07/05/2001	Scott Wiltamuth	MSFT-0573/160076.1	5765

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EXAMINER	
KHATRI, ANIL	
ART UNIT	**PAPER NUMBER**
2191	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/900,123	WILTAMUTH ET AL.	
	Examiner	Art Unit	
	Anil Khatri	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/12/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

The use of the trademark Java etc. has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks. Correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-60 are rejected under 35 USC 101 because they disclose a claimed invention that is an abstract idea as defined in the case *In re Warmerdam*, 33, F 3d 1354, 31 USPQ 2d 1754 (Fed. Cir. 1994).

Analysis: Claims 1-60 disclosed by the applicant as being a "method for operating a computer using object oriented based computer code...". Since the claims are each a series of steps to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 USC 101.

Examiner interprets that the claims 1-60 are non-statutory because they do not disclose that how a claimed method utilizes an explicit interface without incorporating steps of storing, medium, processing, determining and then utilizing member for software component so it can be

implement in a tangible environment. Applicant submits no substance to the claims so its functionality can be realized and produces useful results. Therefore, claims 1-60 are non-statutory and rejected under 35 USC 101.

Analysis: Claims 20-41 are disclosed by the applicant as being a "a computer readable storage medium storing...". Since the claims are each a series of steps to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 USC 101.

Claim 20-41 are not limited to tangible embodiments instead being defined as including both tangible embodiments (e.g., [computer readable medium]) and intangible embodiments (e.g., [transmission media, radio frequency (RF), infrared (IR), a carrier wave, telephone line, a signal, etc.]). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. Further, claims 2-41 are rejected under 35 USC 101.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-60 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: storing, medium, processing, and determining etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-60 are rejected under 35 U.S.C. 102(e) as being anticipated by *Charisius et al* USPN, 7,055,130.

Regarding claims 1, 23 and 42

Charisius et al teaches,

utilizing an explicit interface member mechanism that enables at least one software component to implement at least one explicit interface member by explicitly specifying the relationship between said at least one software component and the at least one interface member (figures 5, 18-19, column 18, table 18, lines 39-50, " class name...", column 19, table 17, lines 51-67, column 22, lines 62-67, and column 23, lines 1-8).

Regarding claims 2, 24 and 43

Charisius et al teaches,

specifying of the relationship includes specifying a qualified name of the at least one software component (column 23, lines 1-8, "component diagram...).

Regarding claims 3, 25 and 44

Charisius et al teaches,

specifying of the qualified name includes specifying at least one interface name and said at least one interface member name (column 23, lines 16-62, "in addition... the nodes").

Regarding claims 4, 9, 26, 31, 45 and 50

Charisius et al teaches,

explicit interface member mechanism enables an explicit interface member implementation to be excluded from the public interface of at least one software component (column 17, table 12, lines 50-67..).

Regarding claims 5, 27 and 46

Charisius et al teaches

the at least one software component is at least one of a class or struct instance, as defined by the object-oriented programming language (column 26, lines 14-32, "in this implementation... defining node").

Regarding claims 6, 28 and 47

Charisius et al teaches

the explicit interface member mechanism enables at least one software component to implement an internal interface not accessible to a consumer of at least one software component (column 17, table 12, lines 50-).

Regarding claims 7, 29 and 48

Charisius et al teaches

explicit interface member mechanism enables disambiguation of a plurality of interface members having the same signature (column 17, table 11, lines 27-41).

Regarding claims 8, 30 and 49

Charisius et al teaches

explicit member mechanism enables disambiguation of a plurality of interface members having the same signature and return type (column 17, table 11, lines 27-41).

Regarding claims 10, 19, 32, 41, 51 and 60

Charisius et al teaches

explicit interface member mechanism enables the implementation of a plurality of non-conflicting specific versions of a generic interface (column 18, table 14, lines 39-50).

Regarding claims 11, 33 and 52

Charisius et al teaches

the computer code is programmed according to an object-oriented programming language, and said object-oriented programming language is one of C#, Fortran, Pascal, Visual Basic, C, C++ and Java (column 21, lines 18-54, "depict a flow... textual view).

Regarding claims 12, 34 and 53

Charisius et al teaches

an implementation of an explicit interface ember is a method, property, event, or indexer declaration that references a fully qualified interface member name (figure 11, column 22, lines 8-19, "of an event...").

Regarding claims 13, 35 and 54

Charisius et al teaches

At least one software component names an interface in the base class list of the at least one software component that contains a member whose fully qualified name, type, and parameter types exactly match those of the implementation of the explicit interface member (column 11, table 4, lines 5-).

Regarding claims 14, 36 and 55

Charisius et al teaches

explicit interface member mechanism includes an interface mapping mechanism that locates implementations of interface members in at least one software component (figure 10, column 21, lines 55-, "the update model...").

Regarding claims 15, 17, 18, 37, 39, 40, 56, 58 and 59

Charisius et al teaches

interface mapping mechanism locates an implementation for each member of each interface specified in the base class list of the at least one software component (column 28, lines 46-62, "method and system... of the code, column 13, table 8, column 15, table 11).

Regarding claims 16, 38 and 57

Charisius et al teaches

at least one software component inherits all interface implementations provided by its base classes (column 13, table 6).

Regarding claims 20-22

Charisius et al teaches

readable medium beating computer executable instructions for carrying out the method (column 37, lines 13-).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANIL KHATRI
PRIMARY EXAMINER